

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT LEE SUTTON, JR.,

Plaintiff,

v.

JOHN D. BONGIVENGO,

Defendant.

2:22-CV-00177-CCW

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On August 1, 2022, the Magistrate Judge issued a Report, ECF No. 7, recommending that the case be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute or to comply with an order of court. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, it hereby is **ORDERED** that this case is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute or to comply with an order of court, *see Papera v. Pa. Quarried Bluestone Co.*, 948 F.3d 607–, 610 (3d Cir. 2020) (noting that involuntary dismissals under Rule 41(b) are presumptively with prejudice) and the Magistrate Judge's Report and Recommendation, ECF No. 7, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 25th day of August, 2022.

BY THE COURT:

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
United States District Judge